

## **REMARKS**

### **37 C.F.R. 1.83(a)**

The Examiner has objected to the drawings arguing that the drawings must show every feature of the invention specified in the claims. Each feature specified in the claims is shown in the drawings. Applicant refers the Examiner to pages 13-14, lines 22-24; of the present application wherein applicant incorporates by reference U.S. Patent No. 6,299,167 ("the '167 Patent") assigned to the same assignee as the present application. The '167 Patent discloses and shows one method of shuffling cards which supports the claims of the present application. Of course, the claims of the present invention should not be construed to cover only the shuffling methods disclosed and shown in the '167 Patent. Consequently, other shuffling methods may also be covered by the claims of the present invention.

The incorporated subject matter provides the necessary support to overcome the objection under 37 C.F.R. 1.83(a).

### **35 U.S.C. § 112**

The Examiner has rejected claims 1-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 1 to more concisely define the invention, canceled claims 12-16 and added claims 17-21. Accordingly, applicant believes that the section 112 rejection has been overcome.

### **35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-8 and 12, as best understood, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,807,884 to Breeding viewed collectively with U.S. Patent Application No. 2002/0068635 to Hill. Applicant respectfully disputes the Examiner's position.

The card dispensing shoe of Hill incorporates "...an optical sensor or scanner 41 (sometimes referred to herein as OCR) that is adapted and positioned to scan and determine value and suit for each card in deck 16 as the card is slid down and out chute 16A and out through slot 22 at the front of shoe 10." (paragraph [0059]). Accordingly, as

shown in Figs. 1, 2 and 4 of Hill, the optical sensor or scanner 41 is positioned to sense or scan a card as the card is removed from the shoe in the conventional fashion. In fact, based on the operation of a card shoe, there is no other position within the shoe for the sensor or scanner to scan and determine a value and suit of the cards. That is, a card shoe is designed to receive a stack of shuffled cards. Then, at the appropriate time, a dealer removes one card at a time from the stack. It is during this separation of the individual cards from the stack, that the sensor or scanner is able to scan the card (i.e., the card face is passed over the sensor or scanner). When using a shoe, there is no other time the cards are not stacked one on top of the other thereby preventing the card values and suits from being scanned.

Therefore, in the context of a card shoe, the cards must be manually removed from the shoe such that cards pass the sensor or scanner. Such a system is inherently vulnerable to cheating and/or accidental error.

Cheating may occur if the dealer conspires with one or more players at the table. For example, to avoid sensing or scanning of a card, the dealer may intentionally cause a card to be removed at a hurried pace thereby preventing the sensor or scanner from accurately detecting the value and/or suit of the card. More likely, however, is the possibility of the dealer unintentionally removing the cards too quickly from the shoe. In either case, the sensor or scanner is not able to accurately sense or scan the cards.

Claim 1 of the instant application recites that "...an image capturing means disposed within said housing for capturing image data of a playing card, said image data being obtained after the shuffling of the cards but prior to individual cards being moved to an output bin adapted to receive shuffled playing cards..." The output bin disclosed and recited in the claims of the instant application is akin to a shoe in that it retains shuffled cards. Consequently, with the present invention, the value and suits of the cards are sensed, scanned or otherwise captured prior to being arranged in a shuffled stack in the output bin (or shoe). The sensing or scanning is accomplished internally during the transport of the individual cards from a card shuffler shuffling system to the output bin (see, page 16, lines 12-25). Thus, the cards are transported one at a time so that the sensor or scanner may accurately capture the card value and suit. Such a system prevents the

cheating and unintentional errors associated with the Hill card shoe.

With the system of the present invention the processor of the shuffler controls the shuffler in a consistent manner thereby eliminating dealer error. The speed of the cards is therefore consistent across the sensor or scanner such that the shuffling device is accurate. Accordingly, the cards are already sensed or scanned when they reach the card output bin. This is so whether all the cards or just hands of cards sent to the output bin.

In addition, combining the Breeding and Hill references, even if proper, does not even permit a working model of the presently claimed invention to be implemented. At no time during the operation of the Breeding shuffler are individual cards separated from a stack. Indeed, the Breeding shuffler separates the original stack into two stacks and no more. In other words, the Breeding shuffler shuffles cards in a fashion akin to a manual riffle of the cards. Once the cards are shuffled, the two stacks are combined into a single stack and moved as a single stack to an output bin in the form of a card shoe. Accordingly, there is no opportunity for a sensor or scanner to identify the cards except utilizing the sensor placement disclosed in Hill. Again, the Hill method results in several shortcomings as identified above.

Therefore, even assuming the combination offered by the Examiner is proper, it does not render claim 1 or its dependents obvious. More particularly, there is no suggestion or motivation to sense, scan or otherwise capture the card images prior to the cards being shuffled and retained by an output bin or card shoe. Moreover, one skilled in the art would have to completely re-design the operation of the Breeding shuffler to practice the claims of the present invention. Such a re-design is not consistent with the section 103(a) standard. Similarly, independent method claim 17 recites "...capturing an image of each of said playing cards before each card is delivered to the output bin of said card shuffler..." Consequently, for the reasons argued with respect to claim 1, the combination offered by the Examiner does not render claim 18 or its dependents obvious.

### **35 U.S.C. § 103(a)**

The Examiner has also rejected claims 9-11 and 13-16, as best understood, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,807,884 to Breeding

viewed collectively with U.S. Patent Application No. 2002/0068635 to Hill further in view of U.S. Patent No. 5,722,893 to Hill. Applicant respectfully disputes the Examiner's position.

First, applicant has canceled claims 13-16 rendering that rejection a moot point. Regarding claims 9-11 applicant contends that claim 1 is not rendered obvious by the combination of the Breeding and Hill references such that narrower claims 9-11 are allowable as well. Moreover, while dependent claims 18-21 are similar to canceled claims 13-16, the independent claim (number 17 in this case) from which they depend is dramatically different than claim 12 from which claims 13-16 depended. As set forth above, claim 17 is not rendered obvious by the combination of the Breeding and Hill references such that the narrower claims 18-21 are allowable as well.

## CONCLUSION

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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